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April 23, 2007

The Honorable Gregory M. Sleet
United States District Court
844 N. King Street
Wilmington, DE 19801

RE: Hamilton v. Guessford, et al.
C.A. No. 04-1422-GMS

Dear Judge Sleet:

I am writing in response to Plaintiff's letter to the Court dated April 19, 2007. [D.I. 77]. In that letter, Mr. Aber suggests that defendants have withheld certain medical records and he seeks a Court order directing Defendants to search for and/or produce the requested records.

Your Honor's scheduling order at paragraph 3(a) has very detailed and specific requirements for discovery disputes. Mr. Aber was supposed to contact chambers to schedule a telephone conference and then forty-eight hours prior to the scheduled conference, the parties are to file "a joint, non-argumentative letter agenda not to exceed two pages outlining the issues in dispute." Procedures were not followed by Mr. Aber.

Plaintiff's claim that Defendants are withholding records is a mischaracterization. Defendants have and continue to search for Plaintiff's medical records. Most recently, counsel for Plaintiff was provided with medical records located in a closed file in this office. Just last week, undersigned counsel was in communication with personnel at the Department of Correction to conduct yet another search for Plaintiff's medical file.

Thus, there is no need for an Order directing Defendants to pursue a course of action that they have been pursuing.

Undersigned counsel is available if the Court requires additional information.

Respectfully,

/s/ Eileen Kelly

Eileen Kelly
Deputy Attorney General

cc: Gary W. Aber, Esquire